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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,933	08/04/2003	Michael A. Bass	16223-00037	4951
33772 7590 07/13/2007 MCDONALD HOPKINS CO., LPA 2100 BANK ONE CENTER 600 SUPERIOR AVENUE, E. CLEVELAND, OH 44114-2653			EXAMINER BECKER, SHASHI KAMALA	
			ART UNIT 2179	PAPER NUMBER
			MAIL DATE 07/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/633,933		BASS ET AL.	
	Examiner		Art Unit	
	Shashi K. Becker		2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 21-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 21-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the following communication: Amendment filed on 4/9/07. This action is made **final**.

2. Applicant has amended claims 1, 2, 19, and 21, and has cancelled claim .

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-4, 13, 14, 16, 19, 25, 26, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Titus et al (hereinafter Titus), US Patent 6406227.

- In regards to claims 1 and 19, Titus teaches an interactive object identification system comprising; user interface means for inputting at least one specified variable related to a first object, said specified variable being physically observed

by a user of the system (column 18 lines 45-57); database means for identifying a master object through comparison of known values against the specified variable (column 18 lines 45-57). Titus further suggests display means associated with a physical display of a set of master objects for identifying the identified master object to the user from the physical set of master objects (column 9 lines 1-27, and column 12 line 58-column 13 line 13), therefore it would have been obvious to one of ordinary skill in the art.

- In regards to claim 2, Titus teaches, wherein the display means (column 10 lines 1-10) includes selectively activated means for distinguishing the identified master object from a set of other master objects (column 18 lines 45-56).
- In regards to claims 3 and 14, Titus teaches, further comprising: tracking means for recording and monitoring variables related to utilization of the system (column 13 lines 46-55).
- In regards to claim 4, Titus teaches, wherein the variables recorded and monitored by the tracking (column 13 lines 46-55), include information related to inventory levels for at least one item selected from the group consisting of: the identified master object and at least a portion, of the set of other objects (column 18 lines 45-57).
- In regards to claims 13 and 29, Titus teaches wherein the identified master object comprises a key blank (column 3 line 65-column 4 line 15).
- In regards to claims 16 and 26, Titus teaches, further comprising verification means for confirming that the identified master object physically provided to the

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user matches the information about the identified master object presented to the user (column 18 lines 45-57).

- In regards to claim 25, Titus teaches, further comprising a means for tracking inventory levels of the set of possible key blanks, said means for tracking operatively associated with the computer (column 18 lines 45-57).
- In regards to claim 28, Titus teaches, further comprising key replication means for creating a duplicate copy of the first object (column 4 lines 15-29).

6. Claims 5-12, 15, 18, and 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Titus in view of Covington et al (hereinafter Covington), US 03/0154135.

- In regards to claims 5 and 7, Titus teaches the above limitations (see claims 1-4, 13, 14, 16, 19, 25, 26, 28, and 29 *supra*). Titus further teaches updating elements of the system (column 10 lines 1-10). However, Titus fails to specifically teach utilizing a computerized network.

Covington teaches an interactive in-store/in-mall and on-line shopping system and method. Covington further teaches utilizing a computerized network (Figure 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method and apparatus of Titus to include a computerized network in order to have a network of computers. One would have been motivated to make such a combination in order to communicate with many different computers.

- In regards to claims 6 and 8, Titus teaches the above limitations (see claims 1-4, 13, 14, 16, 19, 25, 26, 28, and 29 *supra*). Titus further teaches further comprising a plurality of user interface means connected to the database (column 10 lines 1-10). However, Titus fails to specifically teach utilizing a computerized network.

Covington teaches an interactive in-store/in-mall and on-line shopping system and method. Covington further teaches utilizing a computerized network (Figure 1). It would have been obvious for the same reasons stated above (see claims 5 and 7 *supra*).

- In regards to claims 9 and 15, Titus teaches the above limitations (see claims 1-4, 13, 14, 16, 19, 25, 26, 28, and 29 *supra*). Titus further teaches wherein the tracking means transmits the variables (column 13 lines 46-55).

However, Titus fails to specifically teach utilizing a computerized network.

Covington teaches an interactive in-store/in-mall and on-line shopping system and method. Covington further teaches utilizing a computerized network (Figure 1). It would have been obvious for the same reasons stated above (see claims 5 and 7 *supra*).

- In regards to claims 10, 18 and 30, Titus teaches the above limitations (see claims 1-4, 13, 14, 16, 19, 25, 26, 28, and 29 *supra*). However, Titus fails to specifically teach further comprising user help means for providing the user with assistance in operating the system.

Covington teaches an interactive in-store/in-mall and on-line shopping system and method. Covington further teaches further comprising user help means for providing the user with assistance in operating the system (page 6 paragraph [0091]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method and apparatus of Titus to include a user help means in order to provide the user with assistance in operating the system. One would have been motivated to make such a combination in order to provide the user with assistance.

- In regards to claim 11, Titus teaches the above limitations (see claims 1-4, 13, 14, 16, 19, 25, 26, 28, and 29 *supra*). Titus further teaches further comprising verification means for confirming that the identified master object physically provided to the user matches the information about the identified master object presented to the user (column 18 lines 45-57).
- In regards to claim 12, Titus teaches the above limitations (see claims 1-4, 13, 14, 16, 19, 25, 26, 28, and 29 *supra*). Titus further teaches wherein the identified master object comprises a key blank (column 3 line 65-column 4 line 15).
- In regards to claim 31, Titus teaches the above limitations (see claims 1-4, 13, 14, 16, 19, 25, 26, 28, and 29 *supra*). However, Titus fails to specifically teach, further comprising a means for recording and selectively retrieving a historical log of information about the user or the operation of the system, said

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means for recording and selectively retrieving a historical log operatively associated with the computer.

Covington teaches an interactive in-store/in-mall and on-line shopping system and method. Covington further teaches comprising a means for recording and selectively retrieving a historical log of information about the user or the operation of the system, said means for recording and selectively retrieving a historical log operatively associated with the computer (page 6 paragraph [0091]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method and apparatus of Titus, to include recording and retrieving a historical log of information of the user or operating system, in order to have a historical log of the user or operation system. One would have been motivated to make such a combination in order to keep track of previous items scanned through the system by the user.

- In regards to claim 32, Titus teaches the above limitations (see claims 1-4, 13, 14, 16, 19, 25, 26, 28, and 29 *supra*). However, Titus fails to specifically teach, wherein the computer is selected from the group consisting of: a personal computer, a personal digital assistant, a hand-held computing device and a miniaturized, embedded computer having an integrated and abbreviated alphanumeric display.

Covington teaches an interactive in-store/in-mall and on-line shopping system and method. Covington further teaches wherein the computer is selected from the group consisting of: a personal computer, a personal digital assistant, a

hand-held computing device and a miniaturized, embedded computer having an integrated and abbreviated alphanumeric display (page 12 paragraph [0143]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method and apparatus of Titus to include the computer is a PDA, in order to make the device portable. One would have been motivated to make such a combination in order to have a more mobile apparatus.

- In regards to claim 33, Titus teaches the above limitations (see claims 1-4, 13, 14, 16, 19, 25, 26, 28, and 29 *supra*). However, Titus fails to specifically teach utilizing a computerized network.

Covington teaches an interactive in-store/in-mall and on-line shopping system and method. Covington further teaches utilizing a computerized network (Figure 1). It would have been obvious for the same reasons stated above (see claims 5 and 7 *supra*).

- In regards to claim 34, Titus teaches the above limitations (see claims 1-4, 13, 14, 16, 19, 25, 26, 28, and 29 *supra*). Titus further teaches selectively updating the database (column 10 lines 1-10). However, Titus fails to specifically teach, wherein the computerized network is selected from the group consisting of: a local area network, a wide area network and the internet.

Covington teaches an interactive in-store/in-mall and on-line shopping system and method. Covington further teaches wherein the computerized network is selected from the group consisting of: a local area network, a wide area network and the internet (Figure 1). It would have been obvious to one of ordinary skill in

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the art at the time of the invention to modify the method and apparatus of Titus, to include the computerized network is a local area network, a wide area network and the internet in order to have web capabilities. One would have been motivated to make such a combination in order to communicate with the web and other computerized networks.

7. Claims 17 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Titus in view of Eberhardt US Patent 5382784.

Titus teaches the above limitations (see claims 1-4, 13, 14, 16, 19, 25, 26, 28, and 29 *supra*). However, Titus fails to specifically teach, wherein the verification means includes at least one item selected from the group consisting of: a machine vision system and a radio frequency identification system.

Eberhardt teaches a hand-held dual technology identification tag reading head.

Eberhardt further teaches wherein the verification means includes at least one item selected from the group consisting of: a machine vision system and a radio frequency identification system (column 1 lines 6-11). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method and apparatus of Titus to include a machine vision system and a radio frequency identification system, in order to identify objects. One would have been motivated to make such a combination in order to better identify the scanned objects.

8. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Titus in view of Almblad et al (hereinafter Almblad), US Patent 6065911.

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Titus teaches the above limitations (see claims 1-4, 13, 14, 16, 19, 25, 26, 28, and 29 *supra*). However, Titus fails to specifically teach, further comprising an automated means for restocking at least selected portions of the set of possible key blanks, said automated means for restocking operatively associated with the computer.

Almblad teaches a method and apparatus for automatically making keys. Almblad further teaches an automated means for restocking at least selected portions of the set of possible key blanks, said automated means for restocking operatively associated with the computer (column 31 lines 54-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method and apparatus of Titus to include automatic restocking of key blanks in order to make a more efficient machine. One would have been motivated to make such a combination in order to create a human interaction free machine and make the process more effective.

9. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Titus in view of Wills et al (hereinafter Wills), US Patent 606474.

Titus teaches the above limitations (see claims 1-4, 13, 14, 16, 19, 25, 26, 28, and 29 *supra*). Titus further suggests a display comprises a display rack (column 9 lines 1-27, and column 12 line 58-column 13 line 13). However, Titus fails to specifically teach means for distinguishing the identified master object comprises a display rack having a series of lights wherein a single light indicative of the identified master object is selectively illuminated.

Wills teaches a method and apparatus for using light to identify a key. Wills further teaches (Abstract and Figure 6). It would have been obvious to one of ordinary skill in

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the art at the time of the invention to modify the method and apparatus of Titus to include the use of light to identify a key in order to better point out the identified key. One would have been motivated to make such a combination in order to correctly identify the specified object/key.

10. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Titus and Wills as applied to claims 1-4, 13, 14, 16, 19, 21, 25, 26, 28, and 29 above, and further in view of Lemelson, US Patent 5966457.

- In regards to claim 22, Titus teaches the above limitations (see claims 1-4, 13, 14, 16, 19, 25, 26, 28, and 29 *supra*). However, Titus fails to specifically teach the means for distinguishing the identified master object further comprises:
 - (i) at least one shift register operatively associated With the series of lights and
 - (ii) means for selectively adjusting the output signal to be compatible with the shift register.

Lemelson teaches a method for inspecting, coding and sorting objects.

Lemelson further teaches the means for distinguishing the identified master object further comprises: (i) at least one shift register operatively associated with the series of lights and (ii) means for selectively adjusting the output signal to be compatible with the shift register (column 13 lines 19-37). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method and apparatus of Titus and Wills to include a shift register in order to use a single light out of a series of lights to identify the object. One would have been

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motivated to make such a combination in order to better identify the master object/key with a single light out of a series of lights.

- In regards to claim 23, Titus teaches the above limitations (see claims 1-4, 13, 14, 16, 19, 25, 26, 28, and 29 *supra*). Titus further teaches wherein the identified master object comprises a key blank (column 3 line 65-column 4 line 15).

Response to Arguments

Applicant's arguments with respect to claims 1-19, and 21-34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shashi K. Becker whose telephone number is 571-272-8919. The examiner can normally be reached on Mon-Fri 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SKB



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